

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE ENROLLED ACT No. 271

AN ACT to amend the Indiana Code concerning consumer sales and credit.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 24-4.7-4-4, AS ADDED BY P.L.189-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) This section does not apply to any of the following:

- (1) A sale in which:
 - (A) no prior payment is made to a merchant;
 - (B) an invoice accompanies the goods or services; and
 - (C) a consumer is allowed seven (7) days to cancel the services or return the goods without obligation for payment.
 - (2) A contractual agreement that:
 - (A) requires payment; and
 - (B) allows the consumer at least ten (10) days to cancel the contract and receive a full refund of the payment.
 - (3) A sale regulated by 170 IAC 7-1.1-19.
 - (4) A newspaper subscription executed through a telephone call.
- (b) A contract made under a telephone sales call is not valid and enforceable against a consumer unless the contract complies with this section.
- (c) A contract made under a telephone sales call must satisfy all of the following:
- (1) The contract must be reduced to writing and signed by the consumer.

SEA 271+



C
o
p
y

~~(2) The contract must comply with all other applicable laws.~~

~~(3)~~ (2) The contract must contain the name, address, and business telephone number of the seller, the total price of the contract, and a detailed description of the goods or services being sold.

~~(4)~~ (3) The description of goods or services as stated in the contract must be the same as the description principally used in the telephone solicitation.

~~(5)~~ (4) The contract must contain, in bold, conspicuous type immediately preceding the signature the words "you are not obligated to pay any money unless you sign this contract and return it to the seller".

~~(6)~~ (5) The contract may not exclude from its terms any oral or written representations made by the telephone solicitor to the consumer in connection with the transaction.

SECTION 2. IC 24-4.7-4-6, AS ADDED BY P.L.189-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. A telephone solicitor must also comply with **all other applicable laws, including** the following, if applicable:

(1) IC 24-5-12.

(2) IC 24-5-14.

C
o
p
y



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

C
o
p
y

SEA 271+

